IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24184 of 2004

Between:

P. Naresh S/o Rajasekhar Naidu
R/o H.No. 28-63, B. Cross Ramnagar Colony, Chittoor District

..... PETITIONER

AND

1. The District Medical and Health Officer, Chittoor
2. The District Collector and Chairman, DSC., Chittoor
3. The Director of Health Koti. Hyderabad
4. The Government of Andhra Pradesh rep by its Secretary to Government Health,

Medical and Family Welfare Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue to Writ, order or Direction more particularly one in the nature of Writ of Mandamus calling for the records pertaining to OA No. 7607/99 on the file of APAT and after perusing the same quash the order dated 14-09-2004 as illegal and consequently declare that the petitioner is entitled for appointment in newly created vacancies of pharmacist GR-II on the basis of his merit drawn on 04-07-99 with all consequential benefits.

Counsel for the Petitioner: MR.C.M.R.VELU

Counsel for the Respondent Nos. 1 to 4: GP FOR SERVICES I

The Court made the following:

ORAL ORDER:

The writ petition is filed, assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.7607 of 1999 dated 14.09.2004

2. The matter relates to the appointment of Pharmacist Grade-II posts. In the year 1999, the notification was issued for filling up of the posts of Pharmacist Grade-II, and accordingly, the petitioner applied for the said post. Thereafter, the petitioner appeared for written test and he was numbered at Serial No.8 in the merit list. But, however, only 7 posts were filled up and the balance posts were not filled up. Since he was not appointed, after having been approached the authorities, he filed O.A.No.7607 of 1999 seeking appropriate relief. The learned Tribunal, dismissed the said O.A. Against the said order, the present writ petition is filed.

3. The learned counsel for the petitioner submits that immediately after the merit list was exhibited, the Government issued G.O. Ms. No.407, dated 09.07.1999 directing the establishment of 85 new Primary Health Centres and therefore, there is a requirement of Pharmacist.

4. The contention of the learned counsel for the petitioner cannot be accepted inasmuch as when once the recruitment is over in the year 1999 appointing only 7 candidates, there is no question of keeping the merit list for future vacancies. Under these circumstances, we do not find any illegality in the order passed by the Tribunal.

5. However, the learned counsel for the petitioner submits that the petitioner made an application to consider his case for appointment of Pharmacist Grade-II in Chittoor District.

6. We are not inclined to grant any such direction. If the petitioner makes an application in pursuance of the notification issued by the Government for appointment of para-medical staff on contract basis, his case may be considered in accordance with rules.

7. Subject to the above observation, the writ petition is dismissed. No costs.

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(G. BIKSHAPATHY, J)

Date: 21.02.2005

Ksn

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(P.S. NARAYANA)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Medical and Health Officer, Chittoor
2. The District Collector and Chairman, DSC., Chittoor
3. The Director of Health Koti. Hyderabad
4. The Secretary to Government Health,

Medical and Family Welfare Department, The Government of A.P.,

Secretariat, Hyderabad

5. The Registrar, A.P.A.T., Puranihaveli, Hyderabad.

6. Two C. Cs to G.P. for Services I, High Court Buildings, Hyderabad (OUT).

7. 2 CD copies

8. 1 CC to MR.VELU